

LEGISLATIVE INTERIM COMMITTEES

IMMIGRATION INTERIM COMMITTEE DECEMBER 3, 2008	
Bill Title/Subject Matter:	E-Verify Webinar with Representatives of the US Citizenship and Immigration Services
Legislator(s) –Sponsor:	
Interested Parties:	
Code Reference:	
Description: Committee members participated in a Webinar with Gloria Aitkin, Management Program Analysis, US Citizenship and Immigration Services to view hands on training of the E-Verify system.	
Bill Title/Subject Matter:	Fiscal and Administrative Impacts of SB 81 Illegal Immigration
Legislator(s) –Sponsor:	
Interested Parties:	Larry Richardson, Salt Lake County Treasurer
Code Reference:	
<p>Description: Mr. Richardson reported on concerns with SB 81 and Salt Lake County's tax relief program. There is inconsistency with SB 81 by requiring E-verify be used only on new employees and likewise for any contract entered into prior to 7/1/09. However, for public benefits the requirements apply to all recipients regardless of prior eligibility. Mr. Richardson is urging the legislature to reconsider the scope of this requirement and limit the verification to new applicants for public benefits.</p> <p>Without the change, there is additional stress on Salt Lake County to E-verify all recipients of public housing benefits with at least an additional \$6,000 to the SLCo Treasurer's office. There is concern on not getting useful information from the E-verify databases. Additionally, there is concern on the information contained in the databases and the amount of information missing. Is the system safe with third parties having access to E-Verify including names, DOBs, and SSNs. What does the federal government do with the information? Are we liable for the information being sent? We have never required DOB and SSN for the deaf and blind individuals who receive benefits. They qualify for a benefit based on their disability. If we have to verify everyone receiving benefits, we need to go out and get the information. There are 3,198 people receiving benefits in Salt Lake County. For example, currently the only thing required to qualify for benefits is a certificate from an ophthalmologist for the blind; or for disabled veterans, a VA Form 2540 from US government that shows combined percentage of disability. If we are unable to obtain the information, we will have a problem. We may have to deny relief to a disabled veteran if the information is not obtained or there are errors in the database. Mr. Richardson suggests that anyone already approved is eligible for tax relief and should not have to submit another application.</p> <p>The issue has never been raised that we need to comply with federal law; we comply with UCA Title 59, Chapter 52 in the granting of tax relief. Mr. Richardson will ask legal counsel to look at this issue. Finally, there is no discretion for local government under SB81. We should still have the discretion to grant relief due to incorrect information, errors in the databases, etc.</p> <p>Suggestion: amend the legislation to apply the E-Verify to new applicants seeking tax relief</p>	

as of July 1, 2009 and to give some discretion to local governments on questioned residency status. Apply the same standards as to employment verification and deal with new applicants.	
Bill Title/Subject Matter:	E-Verify: Impact of SB81 on Businesses with State Contracts
Legislator(s) –Sponsor:	
Interested Parties:	Tom Bingham, Utah Manufacturers Association
Code Reference:	
<p>Description: Our concern with SB 81 is a narrow issue with contractors working on government contracts. Contract is not defined in SB 81. We have contacted the Attorney General’s office to ask for an opinion as to what constitutes “contract.” We are not certain our members are contractors under definition of the law. Our members provide various services to state and local government entities. If a store provides goods for WIC recipients are they contracting? It is ambiguous on what constitutes a contract.</p> <p>The E-Verify system still has problems and we are concerned with this as well. In most cases E-verify only confirms a name, SSN, and DOB and if they match. The system does not confirm the information matches the person who provided the documents. Mr. Bingham suggests a definition on contract be added to include when a contractor submits a bid and is awarded a contract with government. This would help to define the contract language.</p> <p>We are intrigued with the Chamber’s guest worker program (discussed below). We recognize immigration is a serious problem with employers in Utah. Look at solutions that do not impact the struggling economy. Illegal immigration has an impact on business and it is a positive impact as they make a huge contribution to our economy by working and providing services to employers. It is difficult to determine the extent of the impact. Until recently we could not get enough employees to satisfy the need because we had the lowest unemployment rate in the country. Taking the illegal immigrants out of the system would crash the economy. The businesses pay payroll taxes and employees are paying taxes. We do not know which ones are illegal. They all provide the documents to be hired.</p>	
Bill Title/Subject Matter:	Report: Task Force on Immigration
Legislator(s) –Sponsor:	
Interested Parties:	Wesley Smith, Director, Public Policy for the Chamber Representatives from the Salt Lake Chamber of Commerce Task Force on Immigration
Code Reference:	
<p>Description: The Task Force is composed of business leaders. The following are highlights from the Chamber of Commerce’s Immigration Policy Statement:</p> <p>The Chamber feels this is a difficult issue, but sees opportunity to improve the economy. The Chamber has sought to address underlying issues and problems verses symptoms. There are some administrative barriers, namely this happens to be a federal issue and federal laws govern. The Chamber chooses to look at the barriers as an opportunity. Layne Beattie is promoting the Chamber’s policy to other Chambers of Commerce around the country with a lot of interest. It is something we can do now that will address solutions and fundamental problems with immigration issues.</p> <p>Issues to be addressed: federal laws; undocumented population in the state and public health and safety issues related to that; a labor demand in the US and in Utah; and immigration</p>	

builds our economy.

The Chamber policy sets out steps to address a guest worker program. The steps include working at the state level to create laws or resolution that support a comprehensive guest worker process and gain some necessary federal waivers to implement some of the processes. Utah's federal delegation expresses support for these ideas. Details include seeking a federal waiver for a guest worker program and having an ability to enforce current federal laws in a more efficient way.

We propose Utah utilize the existing federal framework to any extent possible including notice provisions and background checks. The qualified guest worker would register as a worker and that registration would include all relevant information. We would know their status and where they are at all times and it would be updated anytime they move. Many industries require such a registration. Require a security check (USCIS does a quick search and there are more in-depth searches that can be done). We do not want a criminal element to be included. Having an employer sponsor is important. Require a surety bond be posted for the guest worker. The policy is a rough concept and surety bonds are proposed in many policy making areas. Before a worker can be in the guest worker program they would need to bond sufficiently so that if they do not comply with guest worker provisions, it would help with employer expenses.

Additionally, there would be FICA and Medicare withholdings. Guest workers would be required to have auto insurance and health insurance which addresses some concerns from hospitals that illegal immigrants are draining the taxpayers in medical costs. We believe that a development of an affordable health plan is a solution. A ten percent additional withholding of wages that would go to an interest bearing account that would be available to the worker who successfully completes the program and could be withheld for workers who do not comply on the registration, etc.

Liability to the employer would be covered by two built in mechanisms: (1) having the withholding of ten percent; and (2) the bonding that we contemplate as a solution for any problems the employer may have. Cost of future enforcement on the security enforcement is determined at what price the private sector is willing to enforce for violations. Look at other type of bonding for a methodology.

The idea behind the guest worker program is in most cases to have individuals take responsibility so that any financial burden is borne by the guest worker and the guest worker's employer. The Chamber has not conducted any studies regarding illegal worker immigrants. We need to do more research, but the initial thought is to have Department of Workforce Services administer the guest worker program. They have many of the necessary resources.

The incentive or motivation for employers to join is strong enforcement of immigration law. If you do not register we assume you are not registering for a reason, a criminal background or you have something to hide and are not willing to contribute to the State of Utah. The issue needs to be addressed and we need rigorous enforcement. It allows those who are here with good intentions to allow them to come forth to work with us in the community.

The new withholding is only the ten percent because those now working are already paying the rest of the required withholdings. We are basing this on principle that those funds are

already going to the government. If they are not going to the government, then something is wrong. We are open to suggestions on the amount of withholding, but we believe the idea of having an incentive of withholding for a successful completion is good.

If an illegal immigrant has committed a crime they would not be eligible. We anticipate for this program there would be no need to have fraudulent documents. We are giving people who want to contribute the opportunity to work. We are enforcing current laws through the program. The program intent is to address both the illegal or undocumented population as well as addressing work force needs. It is a pragmatic approach; there are illegal immigrants here who want to work; this program will allow them to work in Utah legally.

Chamber members are asking for certainty on labor issues. We understand asking for federal waivers will be difficult. This program addresses the illegal immigrants who are currently in Utah. They can become working contributing members of our community.

Bill Title/Subject Matter:	SB 81 Language Regarding Driver Privilege Cards
Legislator(s) –Sponsor:	
Interested Parties:	Nanette Rolfe, Director, Driver License Division DPS Bill Lloyd, DLD
Code Reference:	
Description: Ms. Rolfe brought an issue to the Legislature’s attention regarding a conflict on implementation dates between SB 81 (7/1/2009) and the federal REAL ID law (1/1/2010). Currently, Utah is not a legal presence state, but we do issue driving privilege cards. Citizens of the US; individuals here under legal presence are here under VISAs or work cards; and we have those here illegally getting driving privilege cards. At the Division we have two different means to determine which card they qualify for. If they have a SSN they receive a DL or ID card; if they do not have a SSN, but have an ITIN (issued by IRS), we issue a driving privilege card; and for the individual who is here under legal presence they also receive a driving privilege card. The difference for the Division is an ITIN or SSN. Utah has applied for, and received, a one million dollar federal award for implementing REAL ID. One part of the material compliance will be submitting the driver license (DL) information through several federal databases. Once processed the DL will have an insignia affixed that will allow the DL to be used for air travel, accessing federal buildings, etc. If Utah’s DLs are not REAL ID compliant by 2011, a federal document will be required to fly on commercial airlines, etc. Without the REAL ID insignia, the DL will not be valid to use as identification. The problem is the databases will not be available until January 2010. There is a section in SB 81 (effective 7/1/09) that states the Division can only issue a DL to (a) a US citizen; (b) a national; or (c) a legal permanent resident alien. DLs are issued for up to five years. Starting July 1, 2009, everyone will need to come into the Driver License Division to prove they are a citizen of the US. We have never done that at the Division. Section 4 also requires a new temporary card be created for those individuals here in the US legally, but they are not a citizen and for a set amount of time (legal presence state). The individuals renewing or applying for a DL between July 2009 and January 2010 will not have their information processed through the REAL ID databases. They would be required to	

return to show verification of citizenship and have their DLs re-issued after January 1, 2010. Because the Division processes about 500,000 driving documents a year, this could affect a substantial number of people.

The Division's does not want to delay implementation of SB 81, but would like to make the following recommendations: (1) pull out the portion of SB 81 (Section 102) that deals with DLD specific and move to Title 53 giving the Division authority to create a temporary driving card; and (2) put an implementation date of 1/1/2010 the same as REAL ID. The reason is if we do not change the implementation date our citizens will have to come into the DLD twice. There are things that are not ready with REAL ID for when SB 81 goes into effect.

The scanning database is not ready at the Division, but if the recommendations are denied, the Division will need to put a scanning system in every office in the state to scan the information and then re-issue the DLs. Currently citizens who renew by Internet will need to renew in person. If Utah decides to opt out of REAL ID, citizens can obtain a federal ID that would allow them to fly on commercially regulated flights or use in federal situations like a passport or a pass card.

If Utah chooses to opt out of REAL ID, citizens will need to obtain a federal document (passport or pass card) to use for air travel and other access requiring valid identification.

Bill Title/Subject Matter:		Comments on Immigration
	Legislator(s) –Sponsor:	
	Interested Parties:	Bill Barton
	Code Reference:	
	<p>Description: Mr. Barton presented signed petitions to the Committee. The petitions do not represent a massive number but they provide the feelings of Utah citizens. The problem has come about because people from other countries are seeking a better life for their families. The illegal immigration is being done at an expense to the American taxpayers. Some believe it is a federal problem, but it is also a state and local problem. We are the ones that are bearing the expense. We have laws to control immigration, but exceptions have been made in the past years. Several of us have first hand experience with the illegal immigrant population by having neighbors who house illegal immigrants or get into accidents caused by illegal immigrants. What about the medical costs and education costs. We are asking you to support leaving SB 81's effective date in place.</p> <p>Some statistics that represent costs of illegal immigration have been performed by federal departments. It is difficult to get real numbers on the illegal population. Some entities cannot ask if a person is a legal citizen.</p>	
Bill Title/Subject Matter:		Committee Business
	<p>Discussion: Another meeting of the Immigration Interim Committee will be set for additional public comment and to review proposed legislation.</p>	

**IMMIGRATION INTERIM COMMITTEE
DECEMBER 18, 2008**

Bill Title/Subject Matter:	Draft Legislation
Legislator(s) –Sponsor:	Interim Committee
Interested Parties:	
Code Reference:	Enacts UCA §53-1-106.5
<p>Description: <u>Detering Illegal Immigration:</u> Draft legislation that authorizes DPS to administer and coordinate the operation of a multi-agency strike force to combat violent and other major crimes associated with illegal immigration and human trafficking. Participants will include ICE officer, state and local law enforcement personnel. The strike force is patterned after Arizona’s strike force. The legislation requires an appropriation of \$1,000,000 to DPS. Effective date of the bill will be July 1, 2009. Passed out of committee.</p> <p><u>Immigration Amendments:</u> Defines a contract in relation to verification of the federal authorization status of a new employee as an agreement for the procurement of services that is awarded through a request for proposals process with a public employer. Provides an exception from verification of lawful presence in the country for an individual who is to receive a state public benefit under Title 49, Utah State Retirement and Insurance Benefit Act. Amended to include “goods or services.” Effective date of the bill will be July 1, 2009. Passed out of committee.</p> <p><u>Joint Resolution Requesting a Federal Waiver to Establish an Employee Sponsored Work Program:</u> Urges the United States Congress to grant the state of Utah waivers to implement an employer-sponsored work program and to withhold federal FICA and Medicare revenue and apply it toward the costs of the program. Amended to remove “provide a surety bond,” and amended to be a Concurrent Resolution. Passed out of committee.</p> <p><u>Lawful Presence Verification for Issuance of a Driver License or Identification Card:</u> Defines and creates a limited-term license certificate, limited-term CDL, and limited-term identification card. Provides that an applicant for a license certificate, limited-term certificate, commercial driver license, limited-term CDL, identification card, or limited-term identification card: (1) shall provide evidence of lawful presence in the US; (2) shall provide documentary evidence of the applicant’s valid social security number or other acceptable documentation approved by the division; and (3) if the applicant’s evidence of lawful presence in the US is established by certain documents. Grants the Driver License Division (“DLD”) rulemaking authority to establish (1) rules specifying the acceptable documents for evidence of a valid SSN and establishing proof of citizenship in the US; and (2) procedures for the storage and maintenance of the information provided by an applicant for a driver license, CDL, or identification card. Repeals the DLD’s authority to issue a nonresident CDL to a resident of a foreign jurisdiction in certain circumstances. Passed out of committee.</p>	

Bill Title/Subject Matter:	Public Comment
Legislator(s) –Sponsor:	
Interested Parties:	Bishop Caroline Tanner Irish Tony Yapias Mike Collick (sp?) Alice Steiner, League of Women Voters Mike Martinez Robert Wren, Paul Royal, Merrill Cook
Code Reference:	
Description: <p><u>Bishop Caroline Tanner Irish</u> (Episcopal Diocese of Utah): Concerned about SB 81 and the system of arrest made by law enforcement and whether it promotes due process. We do not want SB 81 implemented. We need an immigration policy in the country, but our immigrants are penalized because we have not developed a humane immigration policy. The Episcopal church nationally has proposed some principles (1) undocumented aliens should have reasonable opportunity to pursue residency (we oppose work place raids); (2) legal workers should be allowed to enter the US to address labor forces; (3) families should be able to unite with those in the US; (4) due process should be granted to all persons; and (5) immigration policy should be proportional and humane. We hope we will see these principles in a national policy from Washington.</p> <p>We do not believe based on research that illegal immigrants contribute to the increased crime rates.</p> <p><u>Tony Yapias</u>: Great concern on SB 81 from many organizations. We would like to see the bill tabled for one year to allow the federal government to address the issues. We recognize the frustration on the local level with the issues. Utah has experienced a lot of changing demographics and we need to decide on our identity. Utah has been on the forefront in allowing undocumented kids to attend school and get an education. Texas conducted a similar study two years ago and concluded that undocumented workers still contribute to the state. We need to know the true impact of the undocumented workers to Utah. Studying the issue for one year will help us to understand the issues.</p> <p><u>Mike Collick (Dairy Farmers of Utah)</u>: The Dairy Farmers of Utah are concerned at the immigration issues. We have some dairy farms that are being helped in their labor forces by illegal immigrants. Many of the farms cannot handle a disruption in its labor force. The immigrant programs do not work for dairy farms. Many of our dairies are using the E-verify system, but the system is not without problems. Smaller dairies have connections in the community that allow them to draw on a labor force. The larger dairies have up to 100 employees and they could have as much as a ten percent drop in people available to take jobs and this is quite disruptive. There has been an increase in ability to find laborers. Young kids will not work in these jobs any more. Some people say the pay is the problem.</p> <p><u>Alice Steiner, Co-President, League of Women Voters</u>: Immigration policy should promote families. All persons should receive fair treatment under the law. Ms. Steiner distributed the League of Women Voters’ national policy. Delay implementation of SB 81 until the new Congress has time to come to terms with the mess we find ourselves in. Hopefully, the new law will not be needed. We have found a way to legally discriminate with</p>	

this legislation.

Mike Martinez: Wants to focus on the Hispanic community. Mr. Martinez provided a historical look back on the citizens of Utah including a comparison of the Mormon immigrants coming to Utah. Additionally, he provided a recap of testimony previously given by the Sutherland Institute (prior meeting). Issues surrounding the word “illegal” and the impact on all Hispanics. Problems with stereotyping and myths. Provided information on the value of illegal immigrants and what they contribute to society. Mr. Martinez does not believe that objective information or have facts been presented to this committee. He believes the Immigration Interim committee will make decisions based on innuendo and emotion rather than on facts.

Robert Wren (Chair, Utahans for Immigration Reform and Enforcement with Congressman Merrill Cook and Paul Royal): Provided information from a new study on a cost to taxpayers in Colorado with \$1.1 billion per year with most being in education. State of Utah did a legislative audit a couple of years ago that identified \$55-95 million cost to taxpayers for illegal immigration. Last week the Texas legislature issued a report on healthcare and the cost is \$678 million a year. Mr. Wren provided additional statistics from a variety of reports on illegal immigration including crime rates from Maricopa County. We need to implement SB 81.

Paul Royal (runs a federal housing project): Provided a discussion on false documents and he brought 54 SSNs that have been used by illegal immigrants for goods and services in Heber City.

Mr. Cook recommends the committee to proceed with implementing SB 81. He shares concerns with those worried about the legislation, but believes the legislation will help. We do not believe that all major crimes should be directed to just illegal immigrants, but it occurs with all groups. Mr. Cook recapped some legislation he worked on in Congress such as tuition assistance, and health care workers.

Bill Title/Subject Matter:		Committee Business
	Legislator(s) –Sponsor:	
	Interested Parties:	
	Code Reference:	
	Description: This is the last meeting of the Immigration Interim committee.	